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10/694,868	10/29/2003	Yohichiroh Matsuno	244714US2	5692
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER COPPOLA, JACOB C	
			ART UNIT 4143	PAPER NUMBER
			NOTIFICATION DATE 02/08/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

## Application No.

10/694,868

## Applicant(s)

MATSUNO ET AL.

## Examiner

JACOB C. COPPOLA

## Art Unit

4143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :29 January 2004, 12 February 2007, and 17 July 2007.

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in reply to the application filed on 29 October 2003.
2. Claims 1-44 are currently pending and have been examined.

### **Information Disclosure Statement**

3. The Information Disclosure Statements filed 29 January 2004, 12 February 2007, and 17 July 2007 have been considered. Initialed copies of the Form 1449 are enclosed herewith.

### **Claim Rejections - 35 USC § 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

#### **As per Claims 1-44**

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors (e.g. claim 1 recites *...a service providing section to provide services...* and *...information related to the services...* and claim 22 recites *...creating*

*request requesting creation... and claim 28 recites ... a session request sending section to send with respect to a second service providing section within said service providing section, other than the first service providing section..., etc.).* The examples given are for illustrative purposes only and thus do not represent the entire conglomeration of errors in need of correction. In light of these errors, Examiner will interpret the claimed subject matter as consistently as possible. Appropriate corrections are required.

**Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 9, 10, 11-13, and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Cronic (U.S. 2003/0156719 A1).
8. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or

part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**As per Claims 1, 11, and 21**

Cronce, as shown, discloses the limitations:

- *an authentication information managing section ("authorization program": see at least paragraph [0040]) to manage authentication information related to the services and having a term of validity;*
- *an extension request accepting section ("license server": see at least paragraph [0034]) to accept an extension request to extend the term of validity of the authentication information ("where a user chooses to purchase an upgraded license, a new license is generated according to the present invention. Specifically, a license request is generated as described above"), (see at least paragraph [0037]); and*
- *an authentication information updating section ("license server": see at least paragraph [0034]) to extend the term of validity of the authentication information depending on the extension request ("where a user chooses to purchase an upgraded license, a new license is generated... the license generated in response to the license request is transferred back to the authorizing program"), (see at least paragraphs [0037] and [0038]).*

**As per Claims 2, 3, 12, and 13**

Cronce, as shown, discloses the limitations of claims 1 and 11 as described above.

Cronce further discloses the limitations:

- *wherein said authentication information managing section manages, in a related manner, the authentication information ("the authorization program 214... will control the operation of the software product 215 appropriately": see at least paragraph [0031]),*

- (Claims 3 and 13) *information related to a request source which made a creating request* ("if no license is found, the authorizing program 214 generates a license request": see at least paragraph [0032]) *to create the authentication information*
- *information related to a request source* ("user information and license options are requested": see at least paragraph [0058]) *which makes the extension request to extend the term of validity of the authentication information, and*
- *an authority* ("embedded within the authorization program 214 are the following... the software publisher's digital certificate 502, signed by the CA": see at least paragraphs [0050] and [0051]) *to extend the term of validity of the authentication information.*

#### **As per Claims 9 and 19**

Cronce, as shown, discloses the limitations of claims 1 and 11 as described above.

Cronce further discloses the limitations:

- *wherein said service providing section further comprises a monitoring section to monitor the term of validity of the authentication information* ("the authorization program 214 checks to see if a valid license exists"), (see at least paragraph [0032]).

#### **As per Claims 10 and 20**

Cronce, as shown, discloses the limitations of claims 1 and 11 as described above.

Cronce further discloses the limitations:

- *wherein said service providing section further comprises a notifying section to notify information related to the term of validity of the authentication information to a request source which made a creating request to create the authentication information* ("the authorization program... uses the contained license terms and other information within the license to control the use of the software product"), (see at least paragraph [0040]).

**Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 4-8, 14-18, 22-27, 31-38, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronic, in view of Aldis et al. (U.S. 2004/0039916 A1), hereinafter referred to as Aldis.

**As per Claims 4, 5, 14, and 15**

Cronic, as shown discloses the limitations of claims 1 and 11 as described above.

Cronic does not disclose the limitations:

- *wherein said authentication information updating section judges whether or not a request source which made the extension request to extend the term of validity of the authentication information has an authority to extend the term of validity,*
- *and extends the term of validity of the authentication information when it is judged that the request source has the authority to extend the term of validity.*



- (Claims 5 and 15) *and creates new authentication information including the extended term of validity.*

Aldis, however, in at least paragraph [0107] discloses, "a method for creating an extended digital license or an extended renewal/upgrade digital license". Aldis, further, in at least paragraph [0109] discloses, "end user 8 authenticates itself with license clearinghouse 2 and acquires the license from the content provider". Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the judging step disclosed by Aldis with the system taught by Cronce. One would have been motivated to do so because "The ability to create these digital licenses, and the desire to track their use, manage commerce transactions, provide customer support, track assets, and so on, has, in turn, created increasing demand for more comprehensive license transaction systems" (see Aldis, at least paragraph [0011]).

**As per Claims 6, 7, 8, 16, 17, and 18**

Cronce, as shown discloses the limitations of claims 1 and 11 as described above.

Cronce does not disclose the limitations:

- *wherein said authentication information managing section manages the authentication information and an extended term of validity of the authentication information in a related manner and*
- *a number of times the term of validity of the authentication information is extended in a related manner.*
- *a extension response sending section to send an extension response including an identifier for identifying the authentication information having the term of validity extended by said authentication information updating section and the term of validity of the authentication information.*

Aldis, however, in at least paragraph [0077] discloses, "license generation service... allows distributors 6 to modify licenses by extending license terms and adding distribution rules and data". Aldis, further, in at least paragraph [0104] discloses, "license clearinghouse 2 assigns a unique license ID to identify the license body... in the case of a renewal/upgrade-digital license 2000, it would be renewal/upgrade license ID 2002". Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the directly related extended term and associated ID disclosed by Aldis with the system taught by Cronce. One would have been motivated to do so because "The ability to create these digital licenses, and the desire to track their use, manage commerce transactions, provide customer support, track assets, and so on, has, in turn, created increasing demand for more comprehensive license transaction systems" (see Aldis, at least paragraph [0011]).

**As per Claims 22, 33, and 44**

Cronce, as shown discloses the limitations:

- *a creating request sending section to send an authentication information creating request requesting creation of authentication information which has a term of validity and is related to a service provided by a first service providing section within said service providing section ("if no license is found, the authorizing program 214 generates a license request": see at least paragraph [0032]),*
- *with respect to the first service providing section;*
  - *a response receiving section to receive from the first service providing section an authentication information creation response including an authentication information identifier for identifying the authentication information and the term of validity of the authentication information ("the license generated in response to the license request is transferred back to the authorizing program... the underlying technologies used extensively in the present invention is a digital certificate and a digital signature": see at least paragraphs [0038] and [0042]);*

Cronce does not disclose the limitations:

- *an extension request sending section to send an extension request requesting extension of the term of validity of the authentication information, with respect to the first service providing section.*

Aldis, however, in at least paragraph [0107] discloses, "a method for creating an extended digital license or an extended renewal/upgrade digital license". Aldis, further, in at least paragraph [0109] discloses, "end user 8 authenticates itself with license clearinghouse 2 and acquires the license from the content provider". Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the extension request disclosed by Aldis with the system taught by Cronce. One would have been motivated to do so because "The ability to create these digital licenses, and the desire to track their use, manage commerce transactions, provide customer support, track assets, and so on, has, in turn, created increasing demand for more comprehensive license transaction systems" (see Aldis, at least paragraph [0011]).

**As per Claims 23, 24, 25, 27, 34, 35, 36, and 38**

Cronce, as shown discloses the limitations of claims 22 and 33 as described above.

Cronce does not disclose the limitations:

- *wherein the extension request includes the authentication information identifier for identifying the authentication information and a requested extension time.*
- *wherein the extension request further includes an identifier for identifying the integrated services providing section.*
- *an authentication information managing section to manage the authentication information identifier for identifying the authentication information and the term of validity of the authentication information.*

Aldis, however, in at least paragraph [0077] discloses, "license generation service... allows distributors 6 to modify licenses by extending license terms and adding distribution rules and data". Aldis, further, in at least paragraph [0104] discloses, "license clearinghouse 2 assigns a unique license ID to identify the license body... in the case of a renewal/upgrade-digital license 2000, it would be renewal/upgrade license ID 2002". Aldis, further, in at least paragraph [0062] discloses, "A fingerprint can be created in a number of different ways. One way is to capture unique information from the host machine, such as CPU serial number (if available), hard drive serial number, MAC address of the network card, etc". Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the authentication identifiers disclosed by Aldis with the system taught by Cronic. One would have been motivated to do so because "The ability to create these digital licenses, and the desire to track their use, manage commerce transactions, provide customer support, track assets, and so on, has, in turn, created increasing demand for more comprehensive license transaction systems" and "a fingerprint... can be used to prevent the program from running on a machine other than the machine requesting the license". (see Aldis, at least paragraphs [0011] and [0062]).

**As per Claims 26 and 37**

Cronic, as shown discloses the limitations of claims 22 and 33 as described above.

Cronic does not disclose the limitations:

- *an extension response receiving section to receive from the first service providing section an extension response including an authentication information identifier for identifying authentication information having an extended term of validity and an extended term of validity.*

Aldis, however, in at least paragraph [0077] discloses, "license generation service... allows distributors 6 to modify licenses by extending license terms and adding distribution rules and data". Aldis, further, in at least paragraph [0109] discloses, "end user 8 authenticates itself

with license clearinghouse 2 and acquires the license from the content provider". Aldis, further, in at least paragraph [0104] discloses, "license clearinghouse 2 assigns a unique license ID to identify the license body... in the case of a renewal/upgrade-digital license 2000, it would be renewal/upgrade license ID 2002". Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the ability to receive an extended/identifiable license disclosed by Aldis with the system disclosed by Cronce. One would have been motivated to do so because "The ability to create these digital licenses, and the desire to track their use, manage commerce transactions, provide customer support, track assets, and so on, has, in turn, created increasing demand for more comprehensive license transaction systems". (see Aldis, at least paragraph [0011]).

**As per Claims 31 and 42**

Cronce, as shown discloses the limitations of claims 22 and 33 as described above.

Cronce further discloses the limitations:

- *a notification receiving section to receive from the first service providing section a term of validity information notification including information related to the term of validity of the authentication information ("the authorization program... uses the contained license terms and other information within the license to control the use of the software product"), (see at least paragraph [0040]).*

**As per Claims 32 and 43**

Cronce, as shown, discloses the limitations of claims 22 and 33 as described above.

Cronce further discloses the limitations:

- *wherein said integrated service providing section further comprises a monitoring section to monitor the term of validity of the authentication information ("the authorization program 214 checks to see if a valid license exists"), (see at least paragraph [0032]).*

12. Claims 28-30 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronce/Aldis, in further view of Kusuda (U.S. 2001/0016872 A1).

**As per Claims 28, 29, 30, 39, 40, and 41**

Cronce, as shown discloses the limitations of claims 22 and 33 as described above.

- *authentication information identifier for identifying the authentication information* ("the underlying technologies used extensively in the present invention is a digital certificate and a digital signature"), (see at least paragraph [0042]).

Cronce does not disclose the following limitations, however, Kusuda does teach the limitations:

- *a session request sending section to send with respect to a second service providing section within said service providing section, other than the first service providing section, a session request requesting start of a session* (see at least Figure 2 and associated text).
- *wherein said integrated services providing section further comprises a session response receiving section to receive from the second service providing section a session response indicating the start of the session and including a session identifier for identifying the session* (see at least Figure 2 and associated text).
- *wherein said integrated service providing section further comprises a session managing section to manage a session identifier for identifying the session* (see at least Figure 2 and associated text).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the session features disclosed by Kusuda with the authentication information identifier disclosed by Cronce. One would have been motivated to do so because these features in conjunction would provide the system with secure "web" applications with user authentication.

**Conclusion**

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Jacob C. Coppola** whose telephone number is **571.270.3922**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **JAMES A. REAGAN** can be reached at **571.272.6710**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/Jacob C Coppola/ Examiner, Art Unit 4143

January 14, 2008.

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143